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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,929	09/15/2003	Anthony J. Baerlocher	0112300-1542	2727

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EXAMINER

SKAARUP, JASON M

ART UNIT PAPER NUMBER

3714

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/662,929

Applicant(s)

BAERLOCHER, ANTHONY J.

Examiner

Jason Skaarup

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/4/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The Examiner considered the Information Disclosure Statement (IDS) submitted on February 13, 2004.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Randall (GB 2,333,880).

Randall discloses a gaming device as recited in claim 1. Specifically, the disclosed gaming device comprises:

a base game operable upon a wager by a player (Figure 1 along with the related description thereof, wherein a player inserts coins into coin mechanism 13 to generate credit for a base game and wherein the base game including reels 9 is started via button 5);

a triggering event associated with the base game (page 2, line 2 and page 9, lines 2-4, wherein play is transferred from the reels 9 to a supplementary game on a predetermined basis and wherein the predetermined basis corresponds to a triggering event);

a bonus round initialed upon the occurrence of the triggering event, said bonus round including a plurality of different bonus games (page 10, lines 17-21, wherein game features from the supplementary game may be maintained through successive supplementary games and wherein successive supplementary games corresponds to a bonus round including a plurality of different, or separate, supplementary games);

a plurality of selections in each of said bonus games (zones 22, 23, 24, 25 and 26 of Figure 2 along with the related description thereof, wherein the zones 22-26 each include a plurality of selections 32 provided in the successive supplementary games), said selections in each bonus game including at least one functional symbol (page 8, lines 15-17 and page 10, lines 9-12, wherein selections 32 include key symbols or knockout symbols corresponding to the at least one functional symbol) and at least one credit symbol (page 8, lines 15-17, wherein selections 32 include cash values corresponding to the at least one credit symbol), wherein the player is enabled to pick at least one of said selections in each bonus game (page 3, lines 11-18, wherein player-operable controls are used to select any of the zones 22-26);

a display device adapted to display said selections, functional symbols and credit symbols (display 15 of Figure 2 along with the related description thereof);

an outcome for each bonus game adapted to be provided to the player based on the selections picked by the player in said bonus game (page 8, lines 15-19, wherein each selection 32 is associated with an outcome for each supplementary game); and

a bonus round outcome adapted to be provided to the player based on the selections picked by the player in said bonus game (page 10, lines 17-21, wherein the outcomes from each supplementary game are maintained throughout successive games to provide a total bonus round outcome to the player upon bonus round completion).

Regarding claim 2, Randall discloses that each bonus game includes a different functional symbol (page 8, lines 15-17 and page 10, lines 9-12, wherein selections 32 include key symbols or knockout symbols, and page 4, lines 12-17, wherein the key symbols can include different values for different zones).

Regarding claim 3, Randall discloses that at least one credit symbol and one function symbol are associated with at least one of the selections (page 8, lines 15-17 and page 10, lines 9-12, wherein selections 32 include key symbols and cash values).

Regarding claim 4, Randall discloses that one of the functional symbols modifies the number of selections presented to the player to be picked in one of the bonus games (page 8, lines 15-17 and page 10, lines 9-12, wherein selections 32 include key symbols that modify the number of selections presented to the player by limiting the player's selection to a particular zone 22-26).

Regarding claim 5, Randall discloses a gaming device that comprises:

a plurality of games (page 10, lines 17-21, wherein game features from the supplementary game may be maintained through successive supplementary games and wherein successive supplementary games corresponds a plurality of different, or separate, supplementary games);

a plurality of selections in each game (zones 22, 23, 24, 25 and 26 of Figure 2 along with the related description thereof, wherein the zones 22-26 each include a plurality of selections 32 provided in the successive supplementary games);

a plurality of advances, wherein a plurality of said advances have different values, at least one of said advances being associated with at least one of the selections in each of the games (page 8, lines 15-17 and page 10, lines 9-12, wherein selections 32 include key symbols that allow a player to advance through a progression of the zones 22-26, and page 4, lines 12-17, wherein the key symbols can include different values for different zones);

a plurality of picks of the selections (page 5, lines 1-4 and Figure 2 along with the related description thereof, wherein a player can pick selections 32 from zone 22, and upon picking a key symbol in zone 22, can be transferred to another zone 23-26 for picking another selection 32);

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an input device which is adapted to enable the player to use the picks to pick selections in the games (page 3, lines 11-18, wherein player-operable controls are used to select any of the zones 22-26), wherein the values associated with the advances of the selections picked by the player are accumulated (page 10, lines 17-21, wherein accumulated counts of the key symbols are maintained in successive games); and

an award adapted to be provided to the player based on the accumulated values of the advances (page 10, lines 13-21, wherein the key symbols from each supplementary game are maintained throughout successive games to provide a total award to the player upon game completion).

Regarding claim 6, Randall discloses a gaming device that comprises:

a plurality of independent games, wherein at two of said games are different, wherein each said different game has at least one different function (page 10, lines 17-21, wherein game features from the supplementary game may be maintained through successive supplementary games and wherein successive supplementary games corresponds a plurality of different, or separate, supplementary games having different, or separate, functions);

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a plurality of advancements associated with a plurality of player opportunities in said games (page 8, lines 15-17 and page 10, lines 9-12, wherein selections 32 correspond to player opportunities and include advancements, in the form of key symbols, that allow a player to advance through a progression of the zones 22-26, and page 4, lines 12-17, wherein the key symbols can include different values for different zones), wherein at least one of said player opportunities is used by the player in each of said games and at least one advancement is accumulated in each of said games (page 10, lines 17-21 and Figure 2 along with the related description thereof, wherein accumulated counts of the key symbols are maintained in successive games and players use player opportunities, in the form of selections 32, in each of the games); and

an award adapted to be provided to the player based on an accumulated number of advancements which the player obtains in the games using the player opportunities (page 10, lines 13-21, wherein the key symbols from each supplementary game are maintained throughout successive games to provide a total award to the player upon game completion).

Regarding claim 7, Randall discloses a gaming device that comprises:

a plurality of independent games, wherein at two of said games are different, wherein each said different game has at least one different function (page 10, lines 17-21, wherein game features from the supplementary game may be maintained through successive supplementary games and wherein successive supplementary games corresponds a plurality of different, or separate, supplementary games having different, or separate, functions);

a plurality of advancements associated with a plurality of player opportunities in said games (page 8, lines 15-17 and page 10, lines 9-12, wherein selections 32 correspond to player opportunities and include advancements, in the form of key symbols, that allow a player to advance through a progression of the zones 22-26, and page 4, lines 12-17, wherein the key symbols can include different values for different zones), wherein the player is enabled to use the player opportunities in said games and at least one advancement is accumulated in each of said games where the player uses one of the player opportunities (page 10, lines 17-21 and Figure 2 along with the related description thereof, wherein accumulated counts of the key symbols are maintained in successive games and players user player opportunities, in the form of selections 32, in each of the games); and

an award adapted to be provided to the player based on an accumulated number of advancements which the player obtains in the games using the player opportunities (page 10, lines 13-21, wherein the key symbols from each supplementary game are maintained throughout successive games to provide a total award to the player upon game completion).

***Conclusion***


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is listed on the attached Notice of References Cited (PTO-892).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jason Skaarup whose telephone number is 571-272-4455. The Examiner can normally be reached on Monday-Thursday (10:00-8:00).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, Jessica Harrison can be reached at 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JESSICA HARRISON  
PRIMARY EXAMINER